REMARKS

This Amendment is fully responsive to the final Office Action dated March 31, 2010, issued in connection with the above-identified application. A request for a one-month extension of time and a Request for Continued Examination (RCE) are included. Claims 1-11 and 17-19 are pending in the present application. With this Amendment, claim 18 has been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 9-11 have been objected to for being dependent on a rejected base claim, but would be allowable if rewritten in independent form to include all the limitations of the base claim (i.e., from which they depend) and any intervening claims. The Applicants assert that the amendments and arguments provided herein are sufficient to address the rejection to the base claim from which claims 9-11 depend. Accordingly, withdrawal of the objection to claims 9-11 is respectfully requested.

In the Office Action, claim 18 has been rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. Specifically, the Examiner alleges that "a computer-readable recording medium" can still be broadly interpreted as a "signal," which is non-statutory. Accordingly, the Applicants have amended claim 18 to recite "a non-transitory computer-readable recording medium" thereby eliminating the possibility that the computer-readable recording medium could be interpreted as a "signal." Withdrawal of the rejection to claim 18 under 35 U.S.C. 101 is respectfully requested.

In the Office Action, claims 1-8 and 17-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (European Patent No. 1195766, hereafter "Kikuchi") in view of Kuroda (U.S. Patent No. 6,311,011, hereafter "Kuroda").

The Applicants traverse the rejection noted above because the cited prior art fails to disclose or suggest all the features recited in at least independent claims 1 and 17-19. Independent claim 1 recites *inter alia* the following features:

"[a]recording apparatus for recording contents, said recording apparatus comprising:…

an obtaining unit operable to obtain specification information which specifies one or more portable recording media to be used for recording a content;

a recording control unit operable to perform control so that (i) in a case where one of the specified portable recording media is attached to said drive unit when the content is to be

recorded, the content is recorded onto the attached portable recording medium, and (ii) in a case where none of the specified portable recording media are attached to said drive unit when the content is to be recorded, the content is recorded onto said relief recording medium; and

a dubbing control unit operable to, when triggered by a detection that one of the specified portable recording media is attached to said drive unit after the content has been recorded onto the relief recording medium, dub the recorded content from said relief recording medium onto the one of the specified portable recording media." (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claims 17-19. Specifically, claim 17 is an integrated circuit having similar features of the apparatus of claim 1. Claim 18 is a computer-readable recording medium and claim 19 is a method, and both claims include steps directed to the features of the apparatus of claim 1. Additionally, the features emphasized above in independent claim 1 (and similarly recited in independent claims 17-19) are fully supported by the Applicants' disclosure (see e.g., pg. 30-33; pg. 53-55; and Figs 3, 6 and 7).

The present invention (as recited in independent claims 1 and 17-19) is distinguishable from the cited prior art in that specification information is obtained that specifies portable recording media to be used for recording content. When a specified portable recording medium is attached to a drive unit, content is recorded onto the specified portable recording medium. However, if a specified portable recording medium is not attached, then the content is recorded onto a relief recording medium.

In other words, the content is recorded onto the relief medium not only when there is no portable recording media attached to a drive unit, but also when a portable recording medium is attached that is different from portable recording media specified for recording the content. Furthermore, when the content has been recorded onto the relief recording medium, the content is dubbed onto a specified portable recording medium when triggered by a detection that the specified portable recording medium (i.e., specified by specification information) has been attached to the drive unit.

In the Office Action, the Examiner relies on the combination of Kikuchi and Kuroda for disclosing or suggesting all the features recited in independent claims 1 and 17-19.

The Examiner relies on ¶[0073]-¶[0076] of Kikuchi for disclosing or suggesting all the features of the obtaining unit or step recited respectively in independent claims 1 and 17-19.

Kikuchi in ¶[0073]-¶[0076] discloses that a temporary storage device is used to buffer recorded or reproduced data during the replacement of an optical disk. As described in Kikuchi, the replacement of the optical disk is due to the lack of storage capacity on the optical disk.

Independent claims 1 and 17-19 similarly recite *"obtaining specification information which specifies one or more portable recording media to be used for recording a content."*

As noted above, nothing in ¶[0073]-¶[0076] of Kikuchi even suggest the use of specification information which specifies one or more portable recording media to be used for recording content, let alone obtaining such specification information, as in independent claims 1 and 17-19.

The Examiner relies on Kikuchi in ¶[0057]-¶[0059] for disclosing the first feature of the recording control unit or step (i.e., (i)) recited respectively in independent claims 1 and 17-19.

Kikuchi in ¶[0057]-¶[0059] discloses that a formatter uses a buffer memory as a work area to perform a predetermined signal processing with respect to an inputted video signal. Additionally, Kikuchi in ¶[0057]-¶[0059] discloses that encoded information and management information is provided to a hard disk drive via a data processor, and the information is recorded on the hard disk drive.

Independent claims 1 and 17-19 similarly recite *"(i) in a case where one of the specified portable recording media is attached to said drive unit when the content is to be recorded, the content is recorded onto the attached portable recording medium."*

At best, Kikuchi in ¶[0057]-¶[0059] discloses that encoded information and management information is recorded onto a hard disk drive. As noted above, Kikuchi fails to disclose or suggest *"obtaining specification information which specifies one or more portable recording media."* Thus, it logically follows that Kikuchi in ¶[0057]-¶[0059] also fails to disclose or suggest that when a portable recording media is attached to a drive unit, content is recorded onto the portable recording media based on such specification information, as in independent claims 1 and 17-19.

Accordingly, Kikuchi fails to disclose or suggest all the features of the obtaining unit or step and the first feature of the recording control unit or step (i.e., (i)) recited respectively in independent claims 1 and 17-19. Moreover, Kuroda fails to overcome the deficiencies noted above in Kikuchi.

In the Office Action, the Examiner relies on Kuroda for disclosing or suggesting the second feature of the recording control unit or step (i.e., (ii)), and the features of the dubbing unit or step recited respectively in independent claims 1 and 17-19, which the Examiner acknowledges is lacking in Kikuchi (see Office Action, pg. 3).

However, the Applicants assert that Kuroda not only fails to disclose of suggest all the features of the obtaining unit or step and the first feature of the recording control unit or step (i.e., (i)) of the present invention (as discussed above), but Kuroda also fails to disclose or suggest the second feature of the recording control unit or step (i.e., (ii)) and the features of the dubbing unit or step recited respectively in independent claims 1 and 17-19.

In the Office Action, the Examiner relies specifically on col. 5, line 9-col. 6, line 29; col. 8, lines 55-67; and col. 11, lines 16-42 of Kuroda. Kuroda in col. 5, line 9-col. 6, line 29 discloses a video recorder/player that displays a dialogue screen for listing storage devices. In the dialogue screen, a channel number (ch1), passage time from starting of recording, a list of storage devices (HDD, DVD and VCR), and remaining capacities are displayed. As described in Kuroda, the viewer selects a storage device for storing content signals from the dialogue screen.

Additionally, Kuroda in col. 5, line 9-col. 6, line 29 discloses that the video recorder/player moves content signals that are recorded (i.e., constantly) onto a temporary storage device to a selected storage device. Additionally, higher priority may be given for moving certain content signals from the temporary storage device onto the selected storage device at the request of the viewer. Kuroda in col. 8, lines 55-67 discloses program information that includes items such as a program ID for recognizing the program, starting and ending times of the program, and previews of the program.

Finally, Kuroda in col. 11, lines 16-42 discloses that a viewer directs an EPG displaying device to display a list of names and the remaining capacity of storage devices connected to the EPG displaying device. The viewer then selects one of the listed storage devices and the EPG displaying device starts to record a program onto the selected storage device.

On the other hand, independent claims 1 and 17-19 similarly recite:

"in a case where none of the specified portable recording media are attached to said drive unit when the content is to be recorded, the content is recorded onto said relief recording medium"; and

"*when triggered by a detection that one of the specified portable recording media is attached to said drive unit after the content has been recorded onto the relief recording medium, dub the recorded content from said relief recording medium onto the one of the specified portable recording media.*"

In relevant part, Kuroda in col. 5, line 9-col. 6, line 29; col. 8, lines 55-67; and col. 11, lines 16-42 discloses that a viewer (i.e., user) can select a storage device from a list for storing content signals. Conversely, in the present invention (as recited in independent claims 1 and 17-19) the control unit or step stores content onto a relief recording medium based on whether a specified portable recording media is attached to a drive unit, wherein the specified portable recording media is specified by specification information previously obained.

Additionally, Kuroda in col. 5, line 9-col. 6, line 29; col. 8, lines 55-67; and col. 11, lines 16-42 discloses that content signals are constantly stored onto a temporary storage device and are moved to a storage device that is selected by the viewer. Thus, in Kuroda, a content signal would not be recorded onto a storage device, even if attached and available, unless the storage device is first selected by the viewer.

Conversely, in the present invention (as recited in independent claims 1 and 17-19), when a specified portable storage device (i.e., specified by the obtained specification information) is detected as being attached to the drive unit, a dubbing unit or step triggers the dubbing of the content recorded from the relief recording medium onto the specified portable recording media.

Based on the above discussion, independent claims 1 and 17-19 are clearly distinguished from Kikuchi and Kuroda. Accordingly, no combination of Kikuchi and Kuroda would result in, or otherwise render obvious, independent claims 1 and 17-19. Likewise, no combination of Kikuchi and Kuroda would result in, or otherwise render obvious, claims 2-8 at least by virtue of their dependencies from independent claim 1.

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

Additionally, the Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues in the present application.

Respectfully submitted,

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July 30, 2010